

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 09-00184-CR-W-GAF
)	
MICHAEL PINKERTON,)	
)	
Defendant.)	

PRELIMINARY ORDER OF FORFEITURE

This matter is before the Court on the Motion of the United States for a Preliminary Order of Forfeiture. In the Forfeiture Allegation of the Indictment in this case, the United States sought forfeiture of the following:

A Compaq Presario brand computer, serial number MXK4181POR

A Compaq Presario brand computer, serial number MXK418186V

pursuant to 18 U.S.C. § 2253 on the basis that the property was used or intended to be used to commit or to promote activities relating to material involving the sexual exploitation of minors.

On March 09, 2010, the defendant Michael Pinkerton entered into a plea agreement with the United States in which he agreed to plead guilty to Counts One and Two of the Indictment, charging violations of 18 U.S.C. §§ 2252(a)(2), (a)(4)(B), and (b)(2), and to forfeit to the United States his interest in the property identified in the Forfeiture Allegation.

By virtue of the plea agreement, the United States is now entitled to a Preliminary Order of Forfeiture and to possession of the property pursuant to 18 U.S.C. § 2253.

Accordingly, it is hereby ORDERED:

1. Based upon the plea agreement and the Forfeiture Allegation of the Indictment, the

above-described property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853.

2. Upon entry of this Order, the United States Attorney General or his designee is authorized to seize the above-described property in accordance with Fed. R. Crim. P. 32.2(b)(3).

3. Pursuant to 21 U.S.C. § 853, the United States shall publish for at least 30 consecutive days on the government's official website, www.forfeiture.gov, notice of the Preliminary Order of Forfeiture, notice of the United States' intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendant Michael Pinkerton, having or claiming a legal interest in the above-described property must file a petition with the Court (and serve a copy on Beth Phillips, United States Attorney), within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.

This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought.

The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of this Preliminary Order of Forfeiture, as a substitute for published notice as to those persons so notified.

4. Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to the defendant at the time of sentencing (or before if the defendant consents) and shall be made part of the sentence and included in the judgment.

5. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture in which all interests will be addressed.

s/ Gary A. Fenner
Gary A. Fenner, Judge
United States District Court

DATED: March 12, 2010